

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JC07 Rec'd PCT/PTO 04 FEB 2002

Attorney Docket No. 60123.000002

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FEB 14 2002

TECH CENTER 1600/2900

In re Patent Application of :

Preben CHRISTENSEN et al.

Serial No.: 09/914,765

Filed: September 5, 2001

Group Art Unit: 1645

Examiner: To Be Assigned

For: DETERMINATION OF SPERM CONCENTRATION AND VIABILITY FOR
ARTIFICIAL INSEMINATION

**REQUEST TO CORRECT NOTICE OF ACCEPTANCE OF
APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495**

Commissioner for Patents
Washington, DC 20231

Sir:

Applicants request correction of the Notice of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495 ("Notice") mailed December 6, 2001 in the above-identified patent application, copy enclosed.

In the Notice, it was stated that on November 8, 2001, the Patent Office received certain documents required under 35 U.S.C. 371, i.e., the national fee and a copy of the international application, as identified in 35 U.S.C. 371(c)(1) and (2). Applicants respectfully submit that both of these documents were filed in the U.S. Patent and Trademark Office on September 5, 2001, as indicated in the attached copy of Form PTO-1390 (Transmittal Letter to the United States Designated/ Elected Office (DO/EO/US) Concerning A Filing Under 35 U.S.C. § 371) and of a date-stamped postcard indicating receipt of those documents on September 5, 2001.

Correction of the Patent Office records and issuance of a corrected Notice of Acceptance are respectfully solicited.


It is believed that no fee is due in connection with this filing. However, in the event that any fees are necessary, the Commissioner is hereby authorized to charge our Deposit Account No. 50-0206.

Respectfully submitted,

HUNTON & WILLIAMS

Dated: February 4, 2002

By:


Stanislaus Aksman
Registration No. 28,562

1900 K Street, N.W., Suite 1200
Washington, D.C. 20006-1109
(202) 955-1500 (Telephone)
(202) 778-2201 (Facsimile)

0123.000002

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. § 371**

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5)

INTERNATIONAL APPLICATION NO.
PCT/DK00/00092INTERNATIONAL FILING DATE
March 6, 2000PRIORITY DATE CLAIMED
March 5, 1999**TITLE OF INVENTION**

Determination of Sperm Concentration and Viability for Artificial Insemination

APPLICANT(S) FOR DO/EO/US

Preben Christensen and Jens Peter Stenvang

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 37 U.S.C. 371.
3. ☒ This is an express request to promptly begin national examination procedures (35 U.S.C. 371(f)).
4. ☒ The U.S. has been elected by the expiration of 19 months from the priority date (PCT Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☒ is believed to have been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☒ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An unexecuted oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).


Items 11 to 16 below concern document(s) or information included:

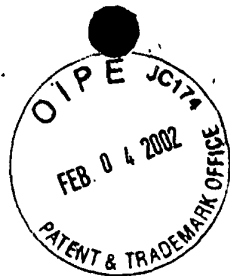
11. ☐ An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included.
13. ☒ A **FIRST** preliminary amendment.
☐ A **SECOND OR SUBSEQUENT** preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information:
 - a. PCT request;
 - b. Published PCT application with International Search Report;
 - c. PCT Chapter II Demand;
 - d. First Written Opinion with response;
 - e. International Preliminary Examination Report;
 - f. Form IB 304; and
 - g. Request to Examine the Application Based on Amended Text.

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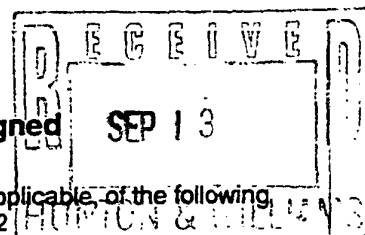
| | | | | | |
|--|--------------|---|--|---|-----|
| U.S. APPLICATION NO. (If known, see 37 CFR 1.5) | | INTERNATIONAL APPLICATION NO. PCT/DK00/00092 | | ATTORNEY'S DOCKET NUMBER 60123.000002 | |
| 17. ■ The following fees are submitted: BASIC NATIONAL FEE (37 CFR 1.492(A)(1) - (5): Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO \$1,000.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international Search Report prepared by the EPO or JPO \$860.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$710.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$690.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33 (1)-(4) \$100.00 | | | | RECEIVED FEB 14 2002 TECH CENTER 1600/2900 | |
| ENTER APPROPRIATE BASIC FEE AMOUNT = | | | | \$860.00 | |
| Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)). | | | | 0 | |
| CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE | | |
| Total claims | 44 | 24 | X \$ 18.00 | 432.00 | |
| Independent claims | 3 | -- | X \$ 80.00 | | |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable) | | | | + \$270.00 | 0 |
| TOTAL OF ABOVE CALCULATIONS = | | | | 432.00 | |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2. | | | | 0 | |
| SUBTOTAL = | | | | 1,292.00 | |
| Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492 (f)). | | | | 0 | |
| TOTAL NATIONAL FEE = | | | | 1,292.00 | |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property | | | | 0 | |
| TOTAL FEES ENCLOSED = | | | | 1,292.00 | |
| | | | | Amount to be refunded: | \$0 |
| | | | | charged: | \$0 |
| a. ■ A check in the amount of <u>\$1,292.00</u> to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. ■ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to the Deposit Account No. <u>50-0206</u> . A duplicate copy of this sheet is enclosed. | | | | | |
| Note: Where an appropriate time limit under 37 C.F.R. 1.494 or 1.495 has not been met, a petition to revive (37 C.F.R. 1.137(a) or (b)) must be filed and granted to restore the application to pending status. | | | | | |
| SEND ALL CORRESPONDENCE TO: | | | | | |
| Stanislaus Aksman, Esq. Hunton & Williams 1900 K Street, NW, Suite 1200 Washington, D.C. 20006 (202) 955-1926 - Telephone (202) 778-2201 - Facsimile | | | <div style="text-align: right;">  Reg. No. 45,245 for </div> <div style="text-align: right;"> SIGNATURE: _____ NAME: Stanislaus Aksman 28,562 REGISTRATION NUMBER </div> | | |
| Dated: <u>September 5, 2001</u> | | | | | |



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Return When Serial Number is Assigned

UTILITY ☒

DESIGN ☐

Please return this card, indicating receipt date and Serial No., if applicable, of the following.

Application Serial No.: TO BE ASSIGNED

Client/Matter: 60123.02

Inventor: Christensen et al.

Client: DE DANSKE KVÆGAVLSFORENINGER

Filing Date: September 5, 2001

Atty/Sec.: SA:pm

Date: September 5, 2001

Title: DETERMINATION OF SPERM CONCENTRATION AND VIABILITY FOR
ARTIFICIAL INSEMINATION

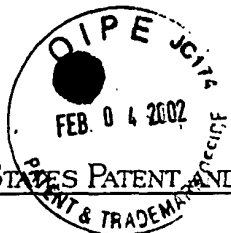
The following has been received in the U.S. Patent and Trademark Office
on the date stamped hereon:

533 Rec'd PCT/PTO 05 SEP 2001

1. Transmittal Letter (Form PTO-1390); PCT Request; Published PCT application with International Search Report;
2. PCT Chapter II Demand;
3. First Written Opinion with response;
4. International Preliminary Examination Report;
5. Form IB 304
6. Preliminary Amendment;
7. Request to Examine the Application Based on Amended Text; and
8. Check in the amount of \$1,292.00.

09/914765

RCF



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

| APPLICATION NUMBER | FILING DATE | GRP ART UNIT | FIL FEE REC'D | ATTY.DO | EXT.NO | DRAWINGS | TOT CLAIMS | IND CLAIMS |
|--------------------|-------------|--------------|---------------|--------------|--------|----------|------------|------------|
| 09/914,765 | 11/08/2001 | 1645 | 1422 | 60123.000002 | 7 | 44 | 3 | |

CONFIRMATION NO. 4417

21967
HUNTON AND WILLIAMS
1900 K STREET N W
WASHINGTON, DC 20006

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FILING RECEIPT



OC00000007138732

Date Mailed: 12/06/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

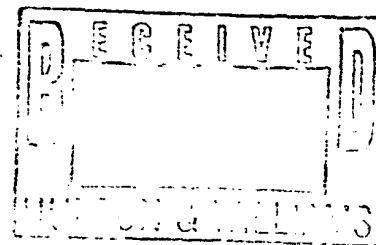
Preben Christensen, Frederiksberg, DENMARK;
Jens Peter Stenvang, Glostrup, DENMARK;

Domestic Priority data as claimed by applicant

THIS APPLICATION IS A 371 OF PCT/DK00/00092 03/06/2000

Foreign Applications

DENMARK PA 1999 00317 03/05/1999



Projected Publication Date: Not Applicable, filed prior to November 29,2000

Non-Publication Request: No

Early Publication Request: No

Title

Determination of sperm concentration and viability for artificial insemination

Preliminary Class

435

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO |
|-----------------------------|-----------------------|-----------------|
| 09/914,765 | Preben Christensen | 60123.000002 |

INTERNATIONAL APPLICATION NO

PCT/DK00/00092

| I.A. FILING DATE | PRIORITY DATE |
|------------------|---------------|
| 03/06/2000 | 03/05/1999 |

21967
HUNTON AND WILLIAMS
1900 K STREET N W
WASHINGTON, DC 20006

CONFIRMATION NO. 4417

371 ACCEPTANCE LETTER



OC000000007138733

Date Mailed: 12/06/2001

**NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.494
OR 1.495**

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as an Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

11/08/2001
DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and
(c)(4) REQUIREMENTS

11/08/2001
DATE OF RECEIPT OF ALL 35 U.S.C.
REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE " FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- U.S. Basic National Fee
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Oath or Declaration
- Preliminary Amendments
- Request for Immediate Examination

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

FRANCINE YOUNG

Telephone: (703) 305-3662

PART 1 - ATTORNEY/APPLICANT COPY